

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JONATHAN JENNINGS WALKER,

Plaintiff,

v.

MICROSOFT CORPORATION, *et al.*,

Defendants.

Case No. C22-482-TL-MLP

ORDER RE: PLAINTIFF’S MOTIONS
FOR CLARIFICATION AND FOR
EXTENSION OF TIME

Plaintiff Jonathan Jennings Walker initiated this action on April 11, 2022, when he presented to this Court for filing an application to proceed *in forma pauperis* (“IFP”) and a proposed civil rights complaint. (*See* dkt. # 1.) On July 8, 2022, Plaintiff presented to the Court for filing a corrected IFP application and a proposed amended complaint. (*See* dkt. # 9.) Plaintiff’s amended complaint is the operative complaint in this action at the present time. Following Plaintiff’s submission of his amended complaint, the Court screened the pleading as it is required to do under 28 U.S.C. § 1915A(a). The Court concluded, upon its review of Plaintiff’s amended complaint, that Plaintiff had not adequately stated any cognizable claim for relief therein. (*See* dkt. # 12.) Thus, on August 3, 2022, the Court issued an Order declining to

ORDER RE: PLAINTIFF’S MOTIONS
FOR CLARIFICATION AND FOR
EXTENSION OF TIME - 1

1 serve Plaintiff's amended complaint and granting him leave to file a second amended complaint.
2 (*See id.*) The Court identified in its Order a number of deficiencies Plaintiff would be required to
3 correct if he wished to proceed with this action, and he was given 30 days within which to file
4 his second amended pleading.

5 On August 23, 2022, the Court received from Plaintiff a motion for clarification of the
6 Court's Order declining to serve his amended complaint (dkt. # 13), and a motion for an
7 extension of time to file his second amended complaint (dkt. # 14). These motions are currently
8 ripe for review by this Court. The Court addresses each motion below.

9 **A. Motion for Clarification**

10 Plaintiff, in his first motion for relief, seeks clarification of various aspects of this Court's
11 Order declining to serve his amended complaint and granting him leave to file a second amended
12 complaint. (*See* dkt. # 13.) However, the motion, in many respects, reads like an objection to that
13 Order as it challenges the Court's conclusions and directives with respect to both procedural and
14 substantive issues discussed therein.

15 To the extent Plaintiff takes issue with the Court's conclusions and directives regarding
16 the substance of his claims and their potential viability, Plaintiff's motion for clarification is
17 denied. The Court's prior Order described the deficiencies in Plaintiff's claims and cited to
18 relevant supporting authority in its explanation of the deficiencies. (*See* dkt. # 13 at 6-9.) The
19 Court's Order speaks for itself in this regard and no further clarification is necessary, nor would
20 it be appropriate in light of the fact that the points on which Plaintiff requests clarification
21 constitute, in essence, requests for legal advice which the Court is not permitted to provide.
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23 ORDER RE: PLAINTIFF'S MOTIONS
FOR CLARIFICATION AND FOR
EXTENSION OF TIME - 2

1 To the extent Plaintiff seeks clarification of matters of a more procedural nature, the
2 Court will address those issues briefly. First, Plaintiff takes issue with the way in which the
3 Court characterized issues concerning deficiencies in Plaintiff's original application to proceed
4 IFP and his efforts to correct them. (Dkt. # 13 at 1-2.) However, the Court noted these issues
5 only in the context of explaining why Plaintiff's original complaint had not been substantively
6 screened. (See dkt. # 12 at 1 n.1.) Plaintiff corrected the deficiencies and the Court ultimately
7 granted Plaintiff's application to proceed IFP. Any issues related to Plaintiff's efforts to correct
8 the deficiencies in his IFP application, including timeliness issues, are therefore moot.

9 Plaintiff also takes issue with the Court's observation that Plaintiff designated his
10 amended complaint as a "Class Action" complaint, and its explanation that this action is not
11 maintainable as a class action given that Plaintiff is proceeding with this action *pro se*. (See dkt.
12 # 13 at 2-3.) Plaintiff discusses at length why he believes the Court's assessment of his complaint
13 in relation to its potential class action status was incorrect. (*Id.*) Nevertheless, as Plaintiff was
14 previously advised (see dkt. # 12 at 6), a *pro se* litigant has no authority to appear as an attorney
15 for others. See *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697 (9th Cir. 1987) (citing
16 *Russell v. United States*, 308 F.2d 78, 79 (9th Cir. 1962)). "[A]n inmate does not have standing
17 to sue on behalf of his fellow prisoners. Rather, the prisoner must allege a personal loss and seek
18 to vindicate a deprivation of his own constitutional rights." *Weaver v. Wilcox*, 650 F.2d 22, 27
19 (3rd Cir. 1981) (citations omitted). Therefore, if Plaintiff chooses to file an amended complaint
20 in this action, he was advised to do so only on his own behalf.

21 Finally, to the extent Plaintiff questions why he is required to file his amended complaint
22 on an approved prisoner civil rights complaint form (dkt. # 13 at 5), he has misconstrued the

1 Court's Order. The Court directed the Clerk to provide Plaintiff a copy of the appropriate forms
2 as a courtesy because the form tends to aid *pro se* litigants in more effectively organizing and
3 presenting their claims. (*See* dkt. # 12 at 10.) Plaintiff is not required to use the form.

4 **B. Motion for Extension of Time**

5 Plaintiff, in his motion for extension of time, asserts that in order to properly prepare his
6 second amended complaint, he requires clarification on aspects of the Court's Order declining to
7 serve his amended complaint. (*See* dkt. # 14.) Plaintiff asks that he be granted thirty-days from
8 the date on which the Court responds to his motion for clarification to prepare and file his second
9 amended complaint. (*See id.*) Although the Court did not find Plaintiff's motion for clarification
10 necessary, the Court is nonetheless willing to grant Plaintiff additional time to file his second
11 amended complaint now that his motion for clarification has been addressed.

12 **C. Conclusion**

13 Based on the foregoing, the Court hereby ORDERS as follows:

14 (1) Plaintiff's motion for clarification (dkt. # 13) is GRANTED to the extent Plaintiff
15 seeks clarification of procedural aspects of the Court's Order declining to serve his amended
16 complaint and DENIED to the extent Plaintiff seeks clarification of the Court's conclusions and
17 directives with respect to the identified substantive deficiencies in the claims asserted by Plaintiff
18 in his amended complaint.

19 (2) Plaintiff's motion for an extension of time to file his second amended complaint
20 (dkt. # 14) is GRANTED. Plaintiff is directed to file his second amended complaint not later than
21 ***Friday, October 21, 2022.***

1 (3) The Clerk is directed to send copies of this Order to Plaintiff and to the Honorable
2 Tana Lin.

3 DATED this 7th day of September, 2022.

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6 MICHELLE L. PETERSON
7 United States Magistrate Judge
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23 ORDER RE: PLAINTIFF'S MOTIONS
FOR CLARIFICATION AND FOR
EXTENSION OF TIME - 5